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International Convention for the Protection of All Persons from Enforced Disappearance

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Consideration of reports of States parties to the Convention

List of issues in relation to the report submitted by Lithuania under article 29 (1) of the Convention

Addendum

Replies of Lithuania to the list of issues*, **

[Date received: 12 July 2017]

* The present document is being issued without formal editing.

** The annex to the present report is on file with the Secretariat and is available for consultation. It may also be accessed from the web page of the Committee on Enforced Disappearances.

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Introduction

1. The Republic of Lithuania, following Article 29 of the International Convention for the Protection of All Persons from Enforced Disappearance (hereinafter referred to as the "Convention") has submitted, through the Secretary-General of the United Nations, to the Committee on Enforced Disappearances, established under Article 26 of the Convention, a Report on measures that are taken to give effect to its obligations under the Convention (hereinafter referred to as the "Report of the Republic of Lithuania") dated 6 October 2015 (CED/C/LT/1). In March 2017, the Committee on Enforced Disappearances furnished the Republic of Lithuania with the List of issues in relation to the Report of the Republic of Lithuania (CED/C/LTU/Q/1). In the light of the above, the Republic of Lithuania hereby provides its replies to the afore-mentioned List of issues in the order in which the questions were formulated by the Committee on Enforced Disappearances.

I. General information

Answer to question 1

2. Following the procedure prescribed in the legal acts, the society and non-governmental organisations have been consulted on the draft Report of the Republic of Lithuania on measures that are taken by Lithuania to give effect to its obligations under the Convention by making the draft publicly available in the Draft Registration Sub-System of the Legislation Information System of the Seimas. Furthermore, the non-governmental organisations related to the issues regulated by the Convention (the Human Rights Monitoring Institute, the Centre for Human Rights, public organisation Save the Children, Missing Persons' Families Support Centre, the Lithuanian Prisoners' Aid Association) were additionally notified of publication of the draft Report, invited to access the draft Report, and requested to put forward their remarks or proposals on the draft Report. Please note that the non-governmental organisations chose to not put forward any remarks or proposals on the draft Report.

Answer to question 2

3. On 23 March 2017, The Seimas Ombudsmen's Office became an accredited National Human Rights Institution (NHRI) meeting the Paris Principles with "A" status.

II. Definition and criminalisation of enforced disappearance (arts. 1-7)

Answer to question 3

4. The Constitution of the Republic of Lithuania, the Republic of Lithuania Law on the State of War and the Republic of Lithuania Law on the State of Emergency, *inter alia*, provide for certain restrictions on the rights and freedoms of the citizens of the Republic of Lithuania and foreigners in the event of the state of war and emergency.

5. Furthermore, the Republic of Lithuania has ratified the Convention for the Protection of Human Rights and Fundamental Freedoms, and derogations from the obligations under the Convention during the state of war or emergency are possible only in cases and under the terms and conditions set out in the Convention.

6. Attention should be paid to the provisions of the Constitution of the Republic of Lithuania which are relevant to this issue:

"Article 142

7. The Seimas shall impose martial law, announce mobilisation or demobilisation, or adopt the decision to use the armed forces when the need arises to defend the Homeland or to fulfil the international obligations of the State of Lithuania.

8. In the event of an armed attack threatening the sovereignty of the State or its territorial integrity, the President of the Republic shall immediately adopt a decision on defence against the armed aggression, impose martial law throughout the State or in its separate part, or announce mobilisation, and submit these decisions for approval at the next sitting of the Seimas, or immediately convene an extraordinary session in the period between sessions of the Seimas. The Seimas shall approve or overrule the decision of the President of the Republic.

Article 145

9. Upon the imposition of martial law or the declaration of a state of emergency, the rights and freedoms specified in Articles 22, 24, 25, 32, 35, and 36 of the Constitution may temporarily be limited."

Regarding possible restrictions of the rights and freedoms of citizens of the Republic of Lithuania and foreigners in the event of imposition of martial law

10. Martial law shall be imposed by the Seimas, when the need arises, to defend the Homeland or to fulfil the international obligations of the State of Lithuania. In the event of an armed attack threatening the sovereignty of the State or its territorial integrity, the President of the Republic shall immediately adopt a decision on defence against the armed aggression and imposition of martial law and submit such decision for approval at the next sitting of the Seimas, or immediately convene an extraordinary session in the period between sessions of the Seimas. The Seimas shall approve or repeal by law the decision by the President of the Republic. The Seimas shall impose or repeal martial law by adopting a resolution. Decisions of the President of the Republic on imposition or repeal of martial law shall be executed by decrees. A resolution of the Seimas of the Republic of Lithuania or a decree of the President of the Republic on imposition of martial law shall be published immediately after adoption thereof through the media and shall come into force in accordance with the procedure prescribed in the laws of the Republic of Lithuania. Martial law may be imposed throughout the State or in its separate part. The decision on imposition of martial status shall, *inter alia*, set out any restrictions on exercise of the rights and freedoms provided for in Articles 22, 24, 25, 32, 35, 36 of the Constitution of the Republic of Lithuania as set out in the Law on the State of War, i.e. restrictions on the human right to inviolability of private life, the human right to inviolability of a person's home, the human right to freely express own convictions, seek and receive or impart information, the freedom of movement, the right to enter the Republic of Lithuania and return to the Republic of Lithuania or settle in it, the right to form political parties, political organisations, public organisations or associations, the right of assembly (the specific restrictions on the afore-mentioned human rights and freedoms shall be set out in the related provisions of the Law on the State of War laid down in the Annex).

11. Diplomatic missions and consular posts of the Republic of Lithuania abroad and diplomatic missions and consular posts of foreign countries in the Republic of Lithuania shall be immediately notified of imposition of martial law. A notice of imposition of martial law, restrictions on human rights and freedoms established during the state of war and the reasons for such restrictions shall be immediately given to the Secretary-General of the Council of Europe and the Secretary-General of the United Nations. Other parties to international treaties of the Republic of Lithuania shall also be immediately notified of imposition of martial law and restrictions on human rights and freedoms established during the state of war, if that is provided for under the treaties.

12. Martial law shall be repealed where the Seimas overrules the decision of the President of the Republic on imposition of martial law, adopts a decision to repeal martial law or where the reasons for which such martial law was imposed cease to exist. The resolution of the Seimas of the Republic of Lithuania or the decree of the President of the Republic concerning repeal of martial law shall be published through the media and shall come into force under the procedure prescribed in the laws of the Republic of Lithuania.

Regarding possible restrictions on the rights and freedoms of citizens of the Republic of Lithuania and foreigners in the event of declaration of a state of emergency

13. A state of emergency may be declared when due to an emergency situation in the country a threat arises to the constitutional system or social peace in the Republic of Lithuania and the threat cannot be eliminated without employing the emergency measures set forth in the Constitution and the Republic of Lithuania Law on the State of Emergency. A state of emergency may also be declared when the afore-mentioned threat arises to the constitutional system or social peace in the Republic of Lithuania due to an emergency situation in other countries. A state of emergency may be declared throughout the territory of the Republic of Lithuania or in any part thereof (separate administrative units of the territory of the State, frontier zone or other parts of the territory of the State). The boundaries of the territory in which a state of emergency has been declared may be changed by a resolution of the Seimas in accordance with the procedure prescribed in the Law on the State of Emergency. The period of the state of emergency shall not exceed six months. A state of emergency may be declared more than once, but in each case the period of the state of emergency shall not exceed six months. A decision to declare a state of emergency throughout the territory of the Republic of Lithuania or in any part thereof shall be adopted by the Seimas. In cases of urgency, between sessions of the Seimas, the President of the Republic shall have the right to adopt a decision on the state of emergency and shall convene an extraordinary session of the Seimas for the consideration of the matter. The Seimas shall approve or overrule the decision of the President of the Republic. The Seimas resolution or decree of the President of the Republic on declaration of a state of emergency shall, *inter alia*, set out any restrictions on exercise of the rights and freedoms provided for in Articles 22, 24, 25, 32, 35 and 36 of the Constitution of the Republic of Lithuania as set out in the Law on the State of Emergency, i.e. restrictions on the human right to inviolability of private life, the human right to inviolability of a person's home, the human right to freely express own convictions, seek and receive or impart information, the freedom of movement, the right to enter the Republic of Lithuania and return to the Republic of Lithuania or settle in it, the right to form political parties, political organisations, public organisations or associations, the right of assembly (the specific restrictions of the afore-mentioned human rights and freedoms shall be set out in the related provisions of the Law on the State of Emergency laid down in the Annex). The Seimas resolution or the decree of the President of the Republic on declaration of a state of emergency shall be published immediately after adoption thereof through the media and shall come into force in accordance with the procedure prescribed in the law. Information on declaration of a state of emergency must be published by all media. Diplomatic missions and consular posts of the Republic of Lithuania abroad and diplomatic missions and consular posts of foreign countries in the Republic of Lithuania shall be immediately notified of declaration of a state of emergency. A notice of declaration of a state of emergency and restrictions on human rights and freedoms established during the state of emergency and the reasons for such restrictions shall be immediately given to the Secretary-General of the Council of Europe and the Secretary-General of the United Nations. Other parties to or depositaries of international treaties of the Republic of Lithuania shall also be immediately notified of declaration of a state of emergency and restrictions on human rights and freedoms established during the state of emergency, if that is provided for under the treaties.

14. An emergency shall be repealed when the Seimas overrules the decision of the President of the Republic of Lithuania on declaration of a state of emergency or where the Seimas adopts a resolution on repeal of a state of emergency when the grounds for declaration of a state of emergency cease to exist. A resolution on repeal of the state of emergency shall be published immediately after its adoption through the media and shall come into force in accordance with the procedure prescribed in the law. All media must immediately publish repeal of the state of emergency. In the event of expiry of the period set in the decision on declaration of a state of emergency, the state of emergency shall be deemed to be repealed without a separate decision on repeal thereof. Diplomatic missions and consular posts of the Republic of Lithuania abroad and diplomatic missions and consular posts of foreign countries in the Republic of Lithuania, the Secretary-General of the Council of Europe and the Secretary-General of the United Nations shall be notified of

repeal of the state of emergency. Other parties to or depositaries of international treaties of the Republic of Lithuania shall also be immediately notified of repeal of the state of emergency if that is provided for under the treaties.

Answer to question 4

15. It is to be noted that the Republic of Lithuania has chosen to not take any special additional measures relating to clear inclusion of the responsibility of a higher-ranking officer in the national law. It is understood that existing regulation, i.e. Article 113[1] of the Criminal Code of the Republic of Lithuania (hereinafter referred to as the "CC") which establishes the commander's responsibility for negligent performance of the commander's duties and the institute if complicity provided for in Articles 24-25 applicable in the event of determination of any elements characteristic to the intentional fault in the actions of the suspect or the accused guilt correspond to the requirements for the responsibility of a superior provided for in Article 6 (1) (b) of the Convention.

Answer to question 5

16. A penalty shall be imposed on the offender in accordance with the basic principles of imposition of a penalty provided for in Article 54 of the CC taking into consideration the degree of dangerousness of a committed criminal act, the form and type of guilt, the motives and objectives of the committed criminal act, the stage of the criminal act, the personality of the offender, the form and type of participation of the person as an accomplice in the commission of the criminal act, mitigating and aggravating circumstances. Thus, subject to the mitigating circumstances set out in Article 59 of the CC and/or the aggravating circumstances set out in Article 60 of the CC, the provisions of Article 61 of the CC (Imposition of a Penalty in the Presence of Mitigating and/or Aggravating Circumstances) shall also be observed, i.e. when imposing a penalty, a court shall take into consideration whether only mitigating circumstances or only aggravating circumstances, or both mitigating and aggravating circumstances have been established and shall assess the relevance of each circumstance. Having assessed mitigating and/or aggravating circumstances, the amount, nature and interrelation thereof, also other circumstances indicated in Article 54 (Basic Principles of Imposition of a Penalty), a court shall make a reasoned choice of a more lenient or more severe type of a penalty as well as the measure of the penalty with reference to the average penalty. The average penalty provided for by a law shall be determined as the aggregate of the minimum and maximum measure of a penalty provided for in the sanction of an article, which is subsequently divided by half. Where the sanction of the article prescribes no minimum measure of a penalty for a committed criminal act, the average penalty shall be determined on the basis of the minimum measure of a penalty fixed for that type of penalties. It is to be noted that, in all cases, a court shall impose a penalty according to the sanction of an article of the Special Part of the CC providing for liability for a committed criminal act. The sanction under Article 100[1] of the CC (Enforced Disappearance) provides for that a person who commits such crime shall be punished by a custodial sentence for a term of three up to fifteen years; therefore, in all cases, the minimum penalty (even subject to all mitigating circumstances provided for in Article 59 of the CC) for commission of the afore-mentioned crime shall not be lower than a custodial sentence for a term of three years and the most severe penalty shall not be higher than a custodial sentence for a term of fifteen years.

17. In the event of imposition of the custodial sentence upon the minor, in accordance with rules provided for in paragraph 3 of Article 91 of the CC, the minimum custodial sentence imposed on a minor shall be equal to one half of the minimum penalty provided for by the sanction of an Article of the CC, i.e. the minimum custodial sentence of one year and six months could be imposed for the crime of enforced disappearance. The maximum period of a custodial sentence in respect of a minor may not exceed ten years (paragraph 5 of Article 90 of the CC). Furthermore, the CC also provides for certain exceptions for imposition of a penalty which, subject to the terms and conditions set out in the law, would allow the court to impose a more lenient penalty than provided for in the sanction. Such exceptions are provided for in paragraph 3 of Article 54 and Article 62 of the CC. Paragraph 3 of Article 54 of the CC sets forth that, in exceptional individual practical cases, where "imposition of the penalty provided for in the sanction of an Article is evidently in

contravention to the principle of justice, a court may, taking into consideration the purpose of the penalty, impose a commuted penalty subject to a reasoned decision". Subject to the terms and conditions provided for in Article 62 of the CC (Imposition of a More Lenient Penalty than Provided for by a Law), in exceptional individual practical cases, a court may, having considered all the circumstances of the case, impose for every criminal act a more lenient penalty than provided for by a law. The CC does not provide for the possibility for the court to impose a more severe penalty than prescribed in the law.

Article 54. Basic Principles of Imposition of a Penalty

(a) A court shall impose a penalty according to the sanction of an Article of the Special Part of this Code providing for liability for a committed criminal act and in compliance with provisions of the General Part of this Code.

(b) When imposing a penalty, a court shall take into consideration:

(i) the degree of dangerousness of a committed criminal act;

(ii) the form and type of guilt;

(iii) the motives and objectives of the committed criminal act;

(iv) the stage of the criminal act;

(v) the personality of the offender;

(vi) the form and type of participation of the person as an accomplice in the commission of the criminal act;

(vii) mitigating and aggravating circumstances.

(c) Where imposition of the penalty provided for in the sanction of an Article is evidently in contravention to the principle of justice, a court may, taking into consideration the purpose of the penalty, impose a commuted penalty subject to a reasoned decision.

Article 62. Imposition of a More Lenient Penalty than Provided for by a Law

(a) Where a person who has committed a criminal act freely and voluntarily gives himself up or reports this act, confesses to commission thereof and sincerely regrets and/or assists pre-trial investigators and a court in detecting the criminal act and has fully or partially compensated for or eliminated the incurred property damage, a court may, having considered all the circumstances of the case, impose for every criminal act a more lenient penalty than provided for by a law.

(b) Having considered all the circumstances of a case, a court may impose for every criminal act a more lenient penalty than provided for by a law also in the presence of mitigating circumstances, at least partial compensation for or elimination of property damage, if any has been incurred, and where:

(i) the offender maintains the persons suffering from a grave illness or are disabled and no one else can look after them, or

(ii) the offender maintains young children and there would be no one to look after them if the penalty provided for by a law was imposed; or

(iii) the offender as an accomplice had only a secondary role in the commission of the criminal act; or

(iv) the act was discontinued at the stage of preparation to commit the crime or at the stage of an attempt to commit the criminal act; or

(v) the act has been committed by exceeding the limits of self-defence; or

(vi) the act has been committed in violation of conditions of detention of the person who has committed the criminal act, immediate necessity, discharge of professional duty or performance of an assignment of law enforcement institutions, conditions of industrial or economic risk or lawfulness of a scientific experiment.

(c) In the presence of the conditions indicated in paragraphs 1 and 2 of this Article, a court may:

(i) impose a more lenient penalty than the minimum penalty provided for in the sanction of an article for a criminal act committed; or

(ii) impose a more lenient penalty than stipulated in Article 56 of this Code, or

(iii) impose a more lenient type of penalty than provided for in the sanction of an article for a criminal act committed.

(d) A court may also, according to paragraph 3 of this Article, impose a more lenient penalty than provided for by a law upon a person who participated in the commission of a premeditated murder, where he makes a confession regarding all the criminal acts committed by him and actively assists in detecting a premeditated murder committed by members of an organised group or criminal association and where:

(i) the murder has been committed as a result of a threat or coercion; or

(ii) the offender as an accomplice had only a secondary role in the commission of the murder, or

(iii) the act has been discontinued at the stage of preparation for the commission of the murder or at the stage of attempting to commit the murder.

III. Judicial procedure and cooperation in criminal matters (arts. 8-15)

Answer to question 6

18. Following paragraph 1 of Article 164 of the Code of Criminal Procedure of the Republic of Lithuania (hereinafter referred to as the "CCP"), a prosecutor shall be entitled to carry out full pre-trial investigation or a part thereof by himself. The pre-trial investigation shall be carried out in accordance with the procedure prescribed in the CCP. Under Paragraph 2 of Article 169 of the CCP the prosecutor, having initiated a pre-trial investigation, shall carry out all necessary pre-trial investigation actions by himself or assign it to the pre-trial investigation institution. Article 171 of the CCP sets forth that, in cases where a pre-trial investigation is initiated by a pre-trial investigation institution, having received a notice from an officer, the prosecutor shall decide who should carry out the investigation. Subparagraphs 1-3 of Paragraph 2 of this Article specify the persons to whom a pre-trial investigation may be assigned. The procedure for initiation of a pre-trial investigation shall also be detailed in the Recommendations on Distribution of Investigation of Criminal Acts to Pre-Trial Investigation Institutions approved by Order No I-47 of the Prosecutor General of the Republic of Lithuania of 11 April 2003 (version of Order No I-378 of 31 December 2012) (hereinafter referred to as the "Recommendations"). Following Paragraph 17 of the Recommendations, where it is established that a criminal act might have been committed by an employee of the pre-trial investigation institution, a pre-trial investigation should not be assigned to the same unit of the pre-trial investigation institution. Thus, if it becomes evident that the crime of enforced disappearance was committed by one or several officers of the law enforcement institution (police, military police etc.), a pre-trial investigation would be assigned to another unit of the same institution or to another institution, or a pre-trial investigation could be conducted by the prosecutor himself. Please further note that the right of exclusion is set forth in Article 57 of the CCP.

19. There is no separate pre-trial investigation procedure applicable to the Lithuanian Armed Forces in the Republic of Lithuania.

Answer to question 7

20. The CCP and Article 5 of the Law on the Protection of the Participants of Criminal Proceedings and Criminal Intelligence, Officers of Justice and Law Enforcement

Institutions against Criminal Influence (hereinafter referred to as the "Law") provide for the following grounds for application of measures of protection against criminal influence:

(a) Measures aimed at protection against criminal influence may be applied where in case of conducting criminal intelligence or a pre-trial investigation or hearing of criminal cases concerning grave or serious crimes as well as less serious crimes provided for in Paragraph 2 of Article 145 (Threatening to Murder or Cause a Severe Health Impairment to a Person or Terrorisation of a Person), Paragraphs 2 and 3 of Article 146 (Unlawful Deprivation of Liberty), Paragraph 2 of Article 151 (Sexual Abuse), Article 162 (Exploitation of a Child for Pornography), Paragraph 2 of Article 178 (Theft), Paragraph 1 of Article 180 (Robbery), Paragraph 1 of Article 181 (Extortion of Property), Paragraph 2 of Article 187 (Destruction of or Damage to Property), Paragraph 2 of Article 189 (Acquisition or Handling of Property Obtained by Criminal Means), Paragraph 2 of Article 198 (Unlawful Interception and Use of Electronic Data), Paragraph 1 of Article 213 (Production, Storage or Handling of Counterfeit Currency or Securities), Article 214 (Production of a Counterfeit Electronic Means of Payment, Forgery of a Genuine Electronic Means of Payment or Unlawful Possession of an Electronic Means of Payment or Data Thereof) and Article 215 (Unlawful Use of an Electronic Means of Payment or Data Thereof), Paragraph 2 of Article 225 (Bribery), Paragraph 2 of Article 227 (Graft), Paragraph 2 of Article 228 (Abuse of Office), Article 240 (Freeing of a Prisoner), Paragraph 1 of Article 253 (Unlawful Possession of Firearms, Ammunition, Explosives or Explosive Materials), Paragraph 1 of Article 256 (Unlawful Possession of Nuclear or Radioactive Materials or Other Sources of Ionising Radiation), Paragraph 2 of Article 300 (Forgery of a Document or Possession of a Forged Document), Paragraph 2 of Article 301 (Forgery of a Seal, Stamp or Form), Paragraph 2 of Article 302 (Seizure of a Seal, Stamp or Document or Use of the Seized Seal, Stamp or Document), Paragraphs 1 and 2 of Article 307 (Gaining Profit from Another Person's Prostitution) of the CC or following the completion of criminal intelligence or criminal proceedings verified data was obtained from public or confidential sources, namely, that:

(i) there is a real threat to life or health of persons;

(ii) property of the persons may be destroyed or damaged.

(b) Measures aimed at protection against criminal influence shall be applied in respect of persons set out in Paragraph 1 of Article 4 of this Law, except for experts, specialists and defence counsel (representatives), where the afore-mentioned persons actively cooperate with officers of justice and law enforcement institutions, have helped to detect the criminal act and have provided other valuable information to the offices of justice and law enforcement institutions.

21. Article 6 of the Law provides for that measures aimed at protection against criminal influence shall not be applied and the measures that are already applied shall be terminated, where:

(a) the person does not accept a proposal on application of measures aimed at protection against criminal influence in his respect;

(b) after application of measures aimed at protection against criminal influence during the criminal intelligence or pre-trial investigation process and during a hearing of a criminal case before the court the persons provided for in Paragraph 1 of Article 4 of this Law except for experts, specialists and defence counsel (representatives) have refused, avoided to give or gave false testimony or provided other false information;

(c) a protected person has refused the measures of protection imposed on him;

(d) a protected person has failed to comply with the terms and conditions of the contract provided for in Paragraph 2 of Article 17 of this Law.

22. Article 7 of the Law provides for the following measures of protection against criminal influence:

(a) physical protection of a person and property thereof;

(b) temporary transfer of a person to a safe place;

(c) establishment of a special regime subject to which data on the person from state and departmental register and information systems are provided;

(d) change of the place of residence, workplace or study place of a person;

(e) change of identity and biographical data of a person;

(f) plastic surgery changing the appearance of a person;

(g) issue of a firearm, special means to a person;

(h) financial support.

23. Article 9 of the Law provides for the grounds for removal of measures aimed at protection against criminal influence when the grounds set out in Article 5 of this Law cease to exist or there are circumstances set out in Article 6 of this Law, an officer (officers) who has (have) imposed protection against criminal influence shall overrule their previous decision on imposition of measures aimed at protection against criminal influence. The afore-mentioned decision may be appealed against to Vilnius Regional Administrative Court within 5 working days from the date of familiarisation with the decision in accordance with the procedure established in the Law on Administrative Proceedings. Measures aimed at protection against criminal influence shall be applied till delivery of the final decision on removal or further application of measures aimed at protection against criminal influence.

24. Articles 15-18 of the Law set forth the mechanisms of application of the measures of protection.

25. Article 15 of the Law sets forth application of measures aimed at protection against criminal influence:

(a) Measures aimed at protection against criminal influence shall be imposed on the persons provided for in Paragraph 1 of Article 4 of the Law (persons participating in criminal proceedings: witnesses, victims, experts, specialists and defence counsel (representatives), statutory representatives, suspects, the accused, convicts, the acquitted, persons in relation to whom the case (pre-trial investigation) is discontinued) by a reasoned motion of the head of a pre-trial investigation institution or territorial prosecutor's office, or the head of a unit of the Prosecutor General's Office of the Republic of Lithuania. A joint decision on imposition of measures aimed at protection against criminal influence shall be delivered by the Prosecutor General of the Republic of Lithuania and the Police Commissioner General of Lithuania or the Director of the Prison Department not later than within 5 working days from the date of receipt of a reasoned motion.

(b) Measures aimed at protection against criminal influence may be imposed on the persons referred to in Paragraph 2 of Article 4 of this Law (officers of justice and law enforcement institutions: judges, prosecutors, pre-trial investigation officers, officers organising and implementing the measures of protection against criminal influence) by a reasoned motion of the heads thereof. A joint decision on imposition of measures aimed at protection against criminal influence shall be delivered by the Prosecutor General of the Republic of Lithuania and the Police Commissioner General of Lithuania not later than within 5 working days from the date of receipt of a reasoned motion.

(c) Measures aimed at protection against criminal influence may be imposed on the persons referred to in Paragraph 3 of Article 4 of this Law (secret participants of criminal intelligence) by a reasoned motion of the head of a police criminal intelligence entity or main institution of criminal intelligence institution, except for the Police Department. A decision on application of measures aimed at protection against criminal influence shall be delivered by the Police Commissioner General of Lithuania or the Director of the Prison Department not later than within 5 working days from the date of receipt of a reasoned motion.

(d) Measures aimed at protection against criminal influence may be imposed on the persons referred to in Paragraph 4 of Article 4 of this Law (parents (adoptive parents), children (adoptive children), brothers, sisters, grandparents, grandchildren, spouses and cohabiting partners of the persons referred to in Paragraphs 1-3 of this Article) by a

reasoned motion of the officers referred to in Paragraphs 1-3 of this Article. A decision on application of measures aimed at protection against criminal influence shall be delivered by the officers indicated in Paragraphs 1-3 of this Article not later than within 5 working days from the date of receipt of the reasoned motion.

(e) The procedure for and terms and conditions of application of the particular measures aimed at protection against criminal influence shall be established in the Regulations on Protection against Criminal Influence. The afore-mentioned regulations shall be approved by the Police Commissioner General of Lithuania, the Director of the Prison Department and the Prosecutor General of the Republic of Lithuania.

(f) Lawfulness and reasonableness of a reasoned motion on imposition of measures aimed at protection against criminal influence, timely notification of the institutions implementing measures aimed at protection against criminal influence of the progress of the pre-trial investigation, the procedural status of the protected person and changes thereof and provision of other information relevant to application or removal of measures aimed at protection against criminal influence shall fall within the responsibility of the officers referred to in Paragraphs 1-3 of this Article.

(g) A person on whom measures aimed at protection against criminal influence have been imposed must be immediately familiarised with the decision on imposition of measures aimed at protection against criminal influence against signed acknowledgement.

26. Article 16 of the Law provides for the procedure for imposition of measures of protection against criminal influence:

(a) One or several measures aimed at protection against criminal influence referred to in Article 7 of this Law shall be chosen and imposed not later than within 3 working days from the date of delivery of the decision on imposition of the measures of protection against criminal influence referred to in Paragraphs 1-4 of Article 15 and, in exceptional cases, immediately, by the Police Commissioner General of Lithuania or the Director of the Prison Department, taking into account objective circumstances.

(b) Imposition of a measure (measures) aimed at protection against criminal influence which is/are not accepted by the person subject to protection and measure (measures) which is/are accepted by the person subject to protection, but which do not correspond to a real threat shall be prohibited.

(c) The decision not to impose the particular measures aimed at protection against criminal influence requested by the person subject to protection may be appealed against to Vilnius Regional Administrative Court within 5 working days from the date of familiarisation with the decision in accordance with the procedure prescribed in the Law on Administrative Proceedings.

27. Article 17 of the Law provides for application of measures aimed at protection against criminal influence. Application of measures aimed at protection against criminal influence shall be ensured by and fall within the responsibility of:

(a) The heads of upper-tier and lower-tier territorial police institutions. They shall organise physical protection of protected persons and property thereof in the territory served by the institution supervised by them, except for places of detention.

(b) The Director of the Prison Department. He/she shall organise physical protection of a person, temporary transfer of a person to a safe place, establishment of a special regime subject to which data on the person from state and departmental registers and information systems are provided, change of identity and biographical data of a person and financial support in places of detention.

(c) The Police Commissioner General of Lithuania. He/she shall organise and coordinate application of all measures aimed at protection against criminal influence provided for in Article 7 of this Law in police institutions.

28. A contract on application of measures aimed at protection against criminal influence shall be concluded with the person subject to protection. The content and form of the contract shall be established in the Regulations on Protection against Criminal Influence.

29. Article 18 of the Law sets out the rights and duties of the person subject to protection:

(a) The protected person shall be entitled:

(i) to be aware of the measures aimed at protection against criminal influence applied in his/her respect;

(ii) to request to apply or remove the particular measures aimed at protection against criminal influence in his/her respect;

(iii) to appeal the actions (omission of action) of the officers of the institutions subordinate to the Police Department or the Prison Department who implement protection against criminal influence to the Police Commissioner General of Lithuania or the Director of the Prison Department respectively, and the actions (omission of action) of such heads shall be appealed against to Vilnius Regional Administrative Court in accordance with the procedure prescribed in the Law on Administrative Proceedings.

(b) A protected person shall be obliged to:

(i) comply with the terms and conditions provided for in the contract;

(ii) comply with the requests of the Police Commissioner General of Lithuania, the head of a territorial police institution, the Director of the Prison Department or the officers implementing protection against criminal influence;

(iii) report each case of threatening him/her or other unlawful actions carried out in his/her respect to the officers organising and implementing protection against criminal influence;

(iv) not to disclose information on the measures aimed at protection against criminal influence applied in his/her respect without the respective consent of the Police Commissioner General of Lithuania, head of the territorial police institution or the Director of the Prison Department.

30. Articles 25 and 26 of the Law provide for that all information on protected persons in whose respect measures aimed at protection against criminal influence are applied shall be classified in accordance with the procedure prescribed in the laws of the Republic of Lithuania and that a person breaching the confidential information on application of measures aimed at protection against criminal influence in respect of the persons shall be held liable according to the laws of the Republic of Lithuania.

Answer to question 8

31. Paragraph 2 of Article 4 of the CCP provides for that criminal proceedings in the territory of the Republic of Lithuania shall be conducted in accordance with the CCP irrespective of the place of commission of the criminal act. Paragraph 3 of this Article sets forth that if an international treaty of the Republic of Lithuania provides different rules than the rules set forth in the CCP, the rules of the international treaty shall apply.

32. In addition to the conditions of conducting a search in the premises of diplomatic missions mentioned in the Report of the Republic of Lithuania, Article 150^{1} of the CCP provides for the requirement to ensure compliance with the guarantees of protection of secrecy of the source of information of such persons provided for in the CCP and other legal acts in case of conducting searches and seizures in the workplaces, places of residence, auxiliary premises, vehicles of producers and disseminators of public information and their participants, and journalists. The CCP does not provide for other restrictions in application of procedural coercive measures, i.e. searches and seizures.

33. Paragraph 5 of Article 155 of the CCP provides for the prosecutor's right to access information and sets forth the provision that the laws of the Republic of Lithuania may establish restrictions on the prosecutor's right to access information. For example, the Republic of Lithuania Law on State Secrets and Official Secrets sets out the respective requirements for the entities that familiarise with specific information, i.e. such persons must have a special authorisation to access knowledge constituting state secret or official

secret. Therefore, a prosecutor or a pre-trial investigation officer who familiarises with information constituting the state secret on behalf of the prosecutor must have such authorisation.

IV. Measures to prevent enforced disappearance (arts. 16-23)

Answer to question 9

34. The national legal acts of the Republic of Lithuania do not provide for a special extradition procedure application in respect of extradition (surrender) of the requested person whose life or health could be at real risk or who could face other risk in the requesting state due to enforced disappearance. Extradition procedures are subject to the common procedure ensuring human rights and freedoms set forth in the international treaties. Article 73 of the CCP provides for that a decision on extradition of a person shall be taken by a judicial authority, i.e. Vilnius Regional Court. The person to be extradited (surrendered) and his defence counsel must be present at the hearing. Pursuant to Article 74 of the CCP, a person in whose respect a ruling is delivered and his defence counsel shall be entitled to lodge an appeal. Thus, the right to protect his/her rights and legitimate interests shall be ensured to the person to be extradited (surrendered). Each extradition case shall be resolved individually and the data collected in the case shall be assessed taking into account information characterising the requested person, the type of the committed crime and other circumstances with a view to ensuring the persons' rights and legitimate interests, not posing a threat to health or life of the requested person and verifying if other grounds for non-enforcement provided for in the European Convention on Extradition of 13 December 1957 or other international treaties of the Republic of Lithuania and Article 9 of the CC are present. In cases of receipt of information that life or health of the person to be extradited (surrendered) may be at real risk due to enforced disappearance or another serious risk in the requesting state, the Prosecutor General's Office of the Republic of Lithuania shall cooperate, exchange information with competent authorities and take decisions ensuring the guarantees of protection of human rights which, *inter alia*, are set forth in the international treaties of the Republic of Lithuania. The afore-mentioned decisions shall be approved by the competent judicial authority, i.e. Vilnius Regional Court.

35. In dealing with the issues concerning expulsion of aliens from the Republic of Lithuania or return of aliens to a foreign state, the provisions of the Republic of Lithuania Law on the Legal Status of Aliens and the Description of the Procedure for Making of Decisions on the Obligation of Aliens to Depart, their Expulsion, Return and Transit through the Territory of the Republic of Lithuania and Implementation thereof approved by Order No 1V-429 of the Minister of the Interior of the Republic of Lithuania of 24 December 2004 "On the Approval of the Description of the Procedure for Making of Decisions on the Obligation of Aliens to Depart, their Expulsion, Return and Transit through the Territory of the Republic of Lithuania and Implementation thereof" are observed. It is to be noted that the provisions of the international treaties acceded by the Republic of Lithuania concerning return of persons or exclusion of persons from a state are also included in the afore-mentioned legal acts. Paragraph 1 of Article 130 of the afore-mentioned law sets forth the principle of prohibition to return an alien, whereas Paragraph 2 of this Article sets forth the absolute prohibition to expel an alien from the Republic of Lithuania or return an alien to a country where there are serious grounds for believing that in that country the alien will be tortured, subjected to cruel, inhuman or degrading treatment or punishment. An individual assessment of reasons is carried out in the case of each alien in whose respect a decision to return him/her to a foreign state or expel him/her from the Republic of Lithuania is taken. For the purposes of assessment, in addition to available information on the situation of the state to which an alien is to be returned or expelled, information collected during an interview with an alien during which he/she may specify the detailed reasons for impossibility to return to the country of origin or expulsion from the Republic of Lithuania is used. An alien shall be entitled to appeal against the delivered decision on his/her return or expulsion to the court. All documents which set out oral explanations of an alien, applications made or with the content of which the alien is familiarised shall indicate the language that the alien understands in which communication

with the alien was carried out or the language that the alien understands into which the document has been translated.

Answer to question 10

36. On 13 February 2014, the Prosecutor General's Office of the Republic of Lithuania initiated a pre-trial investigation No 01-2-00015-14 on the basis of elements of the criminal act provided for in Paragraph 3 of Article 292 of the CC, i.e. possibly unlawful transportation of persons across the state border. The facts of the afore-mentioned pre-trial investigation are related to the alleged transportation of persons detained by the U.S. Central Intelligence Agency (hereinafter referred to as the "CIA") and custody thereof in the territory of the Republic of Lithuania.

37. Following approval by 19 January 2010 resolution of the Parliament (Seimas) of the Republic of Lithuania of the Conclusion on the parliamentary investigation concerning the alleged transportation of persons detained by the CIA and custody thereof in the territory of the Republic of Lithuania, drawn by the Committee on National Security and Defence of the Seimas of the Republic of Lithuania (hereinafter referred to as the "Conclusion"), in pursuance of investigation of the circumstances set out in the Conclusion, on 22 January 2010 the Organised Crime and Corruption Investigation Department of the Prosecutor General's Office of the Republic of Lithuania (hereinafter referred to as the "OCCID") initiated a pre-trial investigation into possible abuse of office or misuse of powers in accordance with Paragraph 1 of Article 228 of the CC. Following completion of the pre-trial investigation actions, on 14 January 2011 the prosecutor of the OCCID terminated the pre-trial investigation No 01-2-00016-10, as he has acknowledged that no criminal act having the features of a crime or misdemeanour have been committed. The chief prosecutor of the OCCID, taking into account the content of information available in the censored report published on 9 December 2014 by the U.S. Senate, certain coincidences of the data laid down in the afore-mentioned censored report, the data available in the Conclusion of the parliamentary investigation carried out by the Committee on National Security and Defence of the Seimas of the Republic of Lithuania and links with the subject-matter of the pre-trial investigation No 01-2-00016-10, overruled the 14 January 2011 decision of the prosecutor of the OCCID on termination of the pre-trial investigation No 01-2-00016-10, as initiated in accordance with Paragraph 1 of Article 228 of the CC concerning abuse of office, and re-opened the investigation by 22 January 2015 decision. In the light of the factual data collected in the course of the pre-trial investigations Nos. 01-2-00015-14 and 01-2-00016-10, the procedural actions carried out, the nature and significance of the possible criminal acts investigated and in pursuance of investigation of the possible criminal acts as fully as possible, assuming the measures provided for in the law with a view to carrying out a pre-trial investigation within a reasonable time, on 6 February 2015 the prosecutor delivered a decision on combining the pre-trial investigations Nos. 01-2-00015-14 and 01-2-00016-10 into one investigation assigning to it the number 01-2-00015-14. The above-mentioned pre-trial investigation has been continued, and is carried out by a group of prosecutors of the OCCID. During the pre-trial investigation, no suspects have been identified, and notifications of suspicions of the investigated possible criminal acts have not been served to any persons.

38. According to Paragraph 1 of Article 177 of the CCP, the data of the pre-trial investigation shall be exempt from publication. The afore-mention data may be published prior to the court hearing only subject to the prosecutor's authorisation and only to the extent it is considered permissible. In the light of the fact that the pre-trial investigation contains information which is recognised as the state secret or official secret in accordance with the procedure prescribed in the law, detailed information on the progress of the pre-trial investigation No 01-2-00015-14 and the results thereof shall not be disseminated to the public nor published (Article 177 of the CCP). Furthermore, it should be explained that according to the laws in force in Lithuania, the victims of crime acquire procedural rights when the status of the victim is granted to them (a decision or court ruling is delivered). Following Article 28 of the CCP, a natural person to whom a criminal act has caused physical, property or non-property damage or a family member or a close relative of the person who has died as a result of the crime and who has suffered physical, property or non-property damage as a result of death of such person is recognised as a victim. A person

shall be recognised as a victim by a decision of a pre-trial investigation officer, prosecutor or a ruling of the court. Pursuant to Paragraph 10 of Article 44 of the CCP, every person who suffers as a result of a criminal act shall be entitled to request for identification and fair punishment of the person who has committed the criminal act, indemnification of damage caused by the criminal act and, in the cases provided for in the law, a compensation from the Fund of Crime Victims, and receive the state-guaranteed legal aid free of charge in accordance with the procedure prescribed in the law. If the person recognised as a victim has suffered damage as a result of a violent crime, the pre-trial investigation officer or prosecutor shall be obliged to notify the person of his/her right to compensation in accordance with the Republic of Lithuania Law on Compensation of Damage Caused by Violent Crime immediately after recognising him/her as a victim (Paragraph 2 of Article 46 of the CCP). In the afore-mentioned pre-trial investigation no persons have been recognised as victims because the fact of unlawful transportation of persons across the state border or detention in Lithuania has not been established. Matters concerning reparation have not been dealt with. The prosecutor's decision to refuse to recognise one person as a victim was appealed against to a superior prosecutor and then to the district and regional courts; nevertheless, the appeals were dismissed and the prosecutor's decision was upheld, i.e. declared lawful and reasonable.

Answer to question 11

39. The Register of Suspects, Accused and Convicts is a state register in which data on suspected, accused and convicted natural and legal persons is accumulated. The Information Technology and Communications Department under the Ministry of the Interior controls the afore-mentioned register. It processes data on the suspects, the accused and convicts in whose respect procedural decisions delivered in criminal proceedings, including decisions concerning the types of compulsory medical treatment, are enforced (the accumulated data is specified in Paragraph 99 of the Report of the Republic of Lithuania).

40. Data on placing a person in a remand prison or correction facility in accordance with the imposed supervision measure, i.e. arrest or a custodial sentence, in the Register of Suspects, Accused and Convicts is automatically obtained from the information system KADIS of the Prison Department under the Ministry of Justice of the Republic of Lithuania (hereinafter referred to as the "KADIS"); the Ministry of Justice controls the information system. KADIS is a departmental information system of the Prison Department and the institutions subordinate to it, and is intended to ensure the collection, accumulation and processing of data on the activities carried out by the Prison Department and transmission thereof in a timely, comprehensive and high quality manner.

41. Data on detention of a person in the custody facility of the local police institution in accordance with the imposed supervision measure, i.e. arrest or a custodial sentence, is automatically received into the Register of Suspects, Accused and Convicts from the Police Registered Events Register that is controlled by the Police Department under the Ministry of the Interior. The Information Technology and Communications Department under the Ministry of the Interior processes the data therein.

42. Data on compulsory hospitalisation in the Public Establishment Rokiškis Psychiatric Hospital of a person who has committed a criminal act that is dangerous to the society and has been found legally incapacitated by a court is provided by the court to the Register of Suspects, Accused and Convicts.

43. It is to be noted that the Public Establishment Rokiškis Psychiatric Hospital, which implements the compulsory medical treatment prescribed by the court for internal administration purposes, collects the following data on the patients treated in the hospital: name, surname, citizenship, home address, marital status, education, date of birth, place of birth, personal identification number, details of the identity document, details of the state social insurance certificate, academic degree and title, e-mail address, educational establishment, specialty, qualification, position, mobile telephone number, telephone number, and number of children.

44. Otherwise, if a person has not committed a criminal act, but there is a real threat that his/her actions may cause significant damage to his/her own health or health or life of surrounding people, he/she may be subject to compulsory hospitalisation in the mental health institution according to the place of residence by force. The administration of the psychiatric institution must immediately notify a representative of the patient of compulsory hospitalisation. Information on prescription of compulsory medical treatment is recorded in the patient's medical records.

45. By Order No V-169 of the Director of the Prison Department under the Ministry of Justice of the Republic of Lithuania of 8 May 2012 "On Proper Entering of Data in the Information System of the Prison Department under the Ministry of Justice of the Republic of Lithuania" the institutions subordinate to the Prison Department were instructed that, upon receipt of an effective court judgement and an ordinance of a judge concerning enforcement of the court judgement, they must immediately and not later than within 5 working days from the date of receipt of the judgement in the institution enter the data of the convicted person in the KADIS, specifying the name and surname, personal identification number, date and place of birth, citizenship, education of the convicted person, type and term of the sentence, service of the sentence and other data necessary for smooth functioning of the KADIS; in case of receipt of information of any changes in the data or a copy of the court judgement concerning change of the type of penalty, the data shall be entered in the KADIS not later than within 5 working days. Establishment and management of the KADIS implies implementation of data protection organisation, programme and technical measures, measures of protection of premises and administrative measures aimed at ensuring confidentiality of data available in the KADIS, availability of such data to legitimate users, integrity of such data and protection of such data against accidental or unlawful destruction, use, disclosure and other unlawful processing. Lawfulness of processing of data available in the KADIS and provision of data, reliability and protection thereof falls within the responsibility of the controller. Protection of data entered in the course of data processing falls within the responsibility of the processors and data providers.

46. The KADIS safety agent, following a methodological measure "Risk Analysis Manual" of the Ministry of the Interior of the Republic of Lithuania, and the Lithuanian and international standards of the group "Information Technology. Safety Equipment", organises assessment of the risk factors of the KADIS on an annual basis. If necessary, the safety agent may organise an extraordinary assessment of the risk factors of the KADIS. Interactive measures (computer applications etc.) may be used for assessment of the KADIS risk. In the light of the risk assessment report, if necessary, the controller of the KADIS approves a plan for risk assessment and risk management measures establishing the technical, administrative and other resources required for implementation of the risk management measures. In pursuance of organisation and control of compliance with the requirements established in the safety documents, assessment of the conformity of the safety of information technologies is organised at least every two years.

47. Data on the persons detained in the custody facility of the local police institution is processed in accordance with the Rules for Registration of Objects of the Register of Suspects, Accused and Convicts and Provision of Data approved by Order No 5V-67 of the Director of the Information Technology and Communications Department under the Ministry of the Interior of the Republic of Lithuania of 10 August 2012 "On the Approval of the Rules for Registration of Objects of the Register of Suspects, Accused and Convicts and Provision of Data", whereby data must be provided to the Register within 3 working days from the date the person enters and leaves the institution, and in accordance with the Directions for Protection and Supervision of Police Custody Facilities approved by Order No 5-V-139 of the Police Commissioner General of Lithuania of 10 February 2015 "On the Approval of Directions for Protection and Supervision of Police Custody Facilities", whereby all persons placed in police custody facilities are registered and their data is accumulated in the module of the Police Registered Events Register for registration of persons in police custody facilities and detention facilities. Officers of the Human Resources Board of the Police Department under the Ministry of the Interior ensure control of filling in of the afore-mentioned module.

48. Information on aliens detained in accordance with the provisions of the Republic of Lithuania Law on the Legal Status of Aliens is processed in the Register of Aliens, which is controlled by the Ministry of the Interior. According to the regulations of the afore-mentioned Register approved by Resolution No 968 of the Government of 17 September 2014 "On the Approval of the Register of Aliens and the Regulations of the Register of Aliens" (hereinafter referred to as the "Regulations"), the Register processes general data of aliens (date(s), surname(s), date of birth and other identity data indicated in Paragraphs 21.1-21.13 of the Regulations; date of death indicated in Paragraph 21.27 of the Regulations) and special data including the data of aliens indicated in Paragraph 31 of the Regulations related to their arrival to the Republic of Lithuania and stay in the Republic of Lithuania: details of the decision of an office of police or another law enforcement institution to detain an alien for the period not longer than 48 hours, place, date and time of detention (Paragraph 31.3 of the Regulations); date, number, grounds of the motion on detention of an alien for the period longer than 48 hours or impose an alternative measure of detention to the district court and the name of the institution or body which has drawn up the motion, name of the district court and date of application to the court (Paragraph 31.4 of the Regulations); details of the decision on detention (non-detention) of an alien for the period longer than 48 hours or imposition of an alternative measure to detention on him/her (not to impose such measure) delivered by the district court, term of detention and name of the imposed alternative measure to detention and term of imposition thereof (Paragraph 31.5 of the Regulations); date of lodging of an appeal against the decision on detention of an alien, extension of the term of detention or application of a measure alternative to detention delivered by the district court to the Supreme Administrative Court of Lithuania (Paragraph 31.6 of the Regulations); the decision of the Supreme Administrative Court of Lithuania and the details thereof; number of the case in adjudication of which the decision of the Supreme Administrative Court of Lithuania was delivered (Paragraph 31.7 of the Regulations); date, number and grounds of the motion for extension of the term or review of the decision on detention of an alien for the period longer than 48 hours submitted to the district court and the name of the institution or body which has drawn up the motion, name of the district court and date of application to the court (Paragraph 31.8 of the Regulations); decision of the district court, details thereof, date till which the term of detention was extended (Paragraph 31.9 of the Regulations); date of arrival of an alien to the detention facility and date and reason of release from the detention facility (Paragraph 31.10 of the Regulations).

49. Data on detained aliens is processed in accordance with the Regulations providing for that the State Border Guard Service under the Ministry of the Interior or a local police institution record the data indicated in Paragraphs 21.1-21.17 and 31.1-31.14 of the Regulations and data available to the local police institution indicated in Paragraph 21.27 of the Regulations in the Register of Aliens (Paragraphs 43 and 44 of the Regulations). Paragraph 47 of the Regulations sets forth that the State Border Guard Service under the Ministry of the Interior or local police institutions shall record available data or data obtained in fulfilment of the functions provided for in the legal acts in the Register of Aliens within 3 working days from the date of receipt thereof. Control of entering of data on delivered decisions on aliens in the Register of Aliens in the State Border Guard Service under the Ministry of the Interior is ensured by the officers of the Criminal Proceedings Control Organisation Board of the Service, in local police institutions by the heads of the institutions and structural units thereof by controlling the activities of the police officers subordinate to them.

50. Data on the persons living in social care institutions referred to in Article 17(a)-17(c) of the Convention is registered and accumulated in the municipalities that enter the data in the Social Support Information System (SPIS). Municipalities are obliged to register data on social services intended for residents by the Republic of Lithuania Law on Social Services.

51. Data referred to in Article 17(e)-17(h) of the Convention is registered and accumulated in social care institutions. The Department of Supervision of Social Services under the Ministry of Social Security and Labour is responsible for the quality of the services provided in care institutions. The afore-mentioned authority inspects whether

social care institutions accumulate person-related information in accordance with the procedure prescribed in the legal acts and ensure confidentiality of such information.

Answer to question 12

52. Please note that, following Article 50 of the CCP, a pre-trial investigation officer, prosecutor or court must explain to the suspect or the accused his/her right to have a counsel for the defence from the moment of detention or first questioning and provide the possibility to exercise such right. A record of the request of the suspect or the accused to have a defence counsel of refusal of a defence counsel shall be drawn up. The suspect, the accused and the convicted shall be entitled to choose and invite an appropriate defence counsel. At the direction of the suspect, the accused or the convicted, a defence counsel may be invited by their statutory representatives or other persons to which the suspect, the accused or the convicted assigns this. If the suspect, the accused or the convicted person requests to ensure presence of the defence counsel and presence of the defence counsel is not necessary according to Article 51 of the CCP or mandatory in other cases provided for in the laws, a pre-trial investigation officer, prosecutor or court shall explain to the suspect, the accused or the convicted person the procedure for exercise of the right to the state-guaranteed legal aid. In cases where the defence counsel chosen by the suspect, the accused or the convicted person cannot participate in the proceedings for more than three consecutive days, a pre-trial investigation officer, prosecutor or judge shall be entitled to suggest to the suspect, the accused or the convicted person another defence counsel and, in the event of a failure to do this, must appoint a defence counsel. If the defence counsel chosen by the suspect, the accused or the convicted person cannot appear at the first questioning within six hours or during the questioning of reasonableness of detention, a pre-trial investigation officer, prosecutor or court shall be entitled to suggest to the suspect, the accused or the convicted person to invite another defence counsel to the questioning and, in the event of a failure to do this, must appoint a defence counsel. According to the afore-mentioned Paragraph, a defence counsel shall be appointed notwithstanding the willingness of the defendant to have the particular attorney-at-law. A defence counsel shall be selected and appointed in accordance with the procedure prescribed in Paragraph 3 of Article 51 of the CCP. Appointment of a new defence counsel shall not prevent the person's earlier chosen defence counsel from participation in the proceedings. Under Article 51 of the CCP, participation of a defence counsel is mandatory in the following:

(a) in hearing of cases concerning the criminal acts of which a minor is suspected or accused;

(b) in hearing of cases involving the blind, deaf, dumb and other persons who cannot exercise their right to defence due to their physical or mental handicaps;

(c) in hearing of cases involving the persons who do not know the language of the proceedings;

(d) in case of conflicts of interest in defence of suspects or accused persons if at least one of them has a defence counsel;

(e) in case of hearing cases concerning the crimes for the commission of which a custodial life sentence may be imposed;

(f) in cases of hearing a case in absentia of the defendant in accordance with the procedure prescribed in Chapter XXXII of the CCP (re-opening of criminal proceedings for newly emerging circumstances);

(g) in investigation and hearing of cases where the suspect or the accused is arrested;

(h) when deciding on surrender (extradition) of a person or surrender of a person to the International Criminal Court or according to the European Arrest Warrant;

(i) in hearing cases before the court as a matter of urgency;

(j) in other cases provided for in the Code.

53. A pre-trial investigation officer or a prosecutor, or a court shall be entitled to acknowledge, by a reasoned decision or by a reasoned ruling, respectively, that appearance of a defence counsel is also necessary in other cases where, in their opinion, the rights and legitimate interests of the suspect of the accused person could not be defended without the help of the defence counsel. In the cases set out in this Article and in the cases provided for in Paragraph 4 of Article 50 of the CCP (In cases where the defence counsel chosen by the suspect, the accused or the convicted person cannot participate in the proceedings for more than three consecutive days, a pre-trial investigation officer, prosecutor or judge shall be entitled to suggest to the suspect, the accused or the convicted person another counsel for the defence and, in the event of a failure to do this, must appoint a counsel for the defence. If the counsel for the defence chosen by the suspect, the accused or the convicted person cannot appear at the first questioning within six hours or during the questioning of reasonableness of detention a pre-trial investigation officer, prosecutor or court shall be entitled to suggest to the suspect, the accused or the convicted to invite another counsel for the defence to the questioning and, in the event of a failure to do this, must appoint a counsel for the defence. According to the afore-mentioned Paragraph, a defence counsel shall be appointed notwithstanding the willingness of the defendant to have the particular attorney-at-law. A defence counsel shall be selected and appointed in accordance with the procedure prescribed in Paragraph 3 of Article 51 of the CCP. Appointment of a new defence counsel shall not prevent the person's earlier chosen defence counsel from participation in the proceedings), if a defence counsel is not invited by the suspect, the accused or the convicted person by himself/herself or is not invited by other persons on their behalf or with their consent, a pre-trial investigation officer, a prosecutor or a court must explain to the suspect, the accused or the convicted person that the costs of the assigned state-guaranteed legal aid incurred as a result of mandatory participation of the defence counsel may be recovered to the state budget in accordance with the procedure prescribed in the CCP taking into account the material situation of the suspect, the accused or the convicted person, except for the cases provided for in subparagraphs 1 and 2 of Paragraph 1 of this Article and notify the institution organising provision of the state-guaranteed legal aid or the coordinator indicated by it of the fact that the suspect, the accused or the convicted person needs a defence counsel and appoint a defence counsel chosen by the institution. On rest days and holidays and outside the working hours of an institution organising provision of the state-guaranteed legal aid, a defence counsel shall be appointed by a pre-trial investigation officer, prosecutor or court on the basis of the lists of on-call time of attorneys-at-law providing the state-guaranteed legal aid in criminal matters drawn up by the institution.

54. Article 52 of the CCP provides for that refusal of a defence counsel shall be allowed only on the initiative of the suspect or the accused. A record of refusal of a defence counsel shall be drawn up. Refusal of the defence counsel shall not deprive the suspect, the accused or the convicted person of the right to have a defence counsel again at any later stage of the proceedings.

55. No complaints for failure to ensure the possibility for a person detained at a correction facility or remand prison to have an attorney-at-law have been received.

56. Article 14 of the Law on the Execution of Arrest provides for that an arrestee shall have the right to an appointment with his/her defence counsel. The number and duration of such appointments shall be unlimited. The procedure for arrestee appointments with a defence counsel shall be established in the Internal Rules of Procedure of Remand Prisons. Paragraphs 33-34 of the Internal Rules of Procedure of Remand Prisons set forth that defence counsels shall be allowed to meet their defendants in a remand provision by presenting a warrant of attorney or a decision on provision of the state-guaranteed legal aid, certificate of the attorney-at-law or assistant attorney-at-law and an identity card. The arrestees shall be brought from their cells for a meeting with their defence counsel at a written request of the defence counsel. The meeting of the defence counsel and the defendant shall take place during the working hours of the administration of the remand prison in the designated premises and shall be held in private.

57. Article 101 of the Penal Sanction Enforcement Code of the Republic of Lithuania provides for that visiting of convicts by attorneys-at-law shall be unlimited. Appointments

with an attorney-at-law shall not be counted as visits. Each convict appointment with an attorney-at-law shall take place at the time set by the administration of the correction facility and may not last longer than eight hours. The procedure for the meetings of the convicts and an attorney-at-law shall be established in the Internal Rules of Procedure of Correction facilities, Paragraph 178 of which provides for that, at the request of a convict, an attorney-at-law shall be allowed to meet with him/her after presenting a certificate of the attorney-at-law or another document supporting the right to practice as an attorney-at-law and an identity document.

58. Article 231 of the CC provides for the criminal liability of a person hindering activities of an attorney-at-law. A person who hinders an attorney-at-law in performing the duties relating to investigation or hearing of a criminal, civil, administrative case or a case of the international judicial institution shall be punished by community service or by a fine or by restriction of liberty or by a custodial sentence for a term of up to two years. If the acts are committed by using violence or coercion, such person may be punished by a fine or by arrest or by a custodial sentence for a term of up to four years. A legal entity shall also be held liable for the afore-mentioned acts.

59. Paragraph 7 of Article 8 of the Republic of Lithuania Law on the Execution of Arrest obliges the administration of the remand prison to notify the spouse, cohabiting partner or close relatives of arrival of the person not later than on the following day. Paragraph 6 of Article 66 of the Penal Sanction Enforcement Code of the Republic of Lithuania sets forth the obligation of the administration of the correction facility to notify the spouse, cohabiting partner or close relatives of the convict of the convict's arrival within three working days. The institutions perform the afore-mentioned obligations, and no breaches of performance of the obligations have been found.

Answer to question 13

60. When implementing the national programme for the prevention of torture, the Seimas Ombudsmen enjoy extensive powers, namely, they have the right to choose as to which places of detention to visit and which persons to interview, to enter all places of detention and their premises and to have access to their installations and facilities. The Seimas Ombudsmen also have the right to have private interviews with persons deprived of their liberty without witnesses, as well as with any other persons who may supply relevant information, and to conduct inspections of places of detention together with selected experts. Inspections are organised to any place where persons are or may be deprived of their liberty, i.e. police custody facilities, imprisonment, care and mental institutions, institutions for treatment of infectious diseases, institutions for holding or accommodating foreigners and other institutions.

61. The Seimas Ombudsmen are assisted by employees of the Seimas Ombudsmen's Office in organising and performing activities under the national programme for the prevention of torture assigned to them. Employees of the Office regularly visit and inspect places of detention seeking to identify any indications of torture or other cruel, inhuman or degrading treatment or other human rights violations; they supervise implementation of the Seimas Ombudsmen's recommendations in the area of national prevention of torture and perform other functions assigned. Currently the Human Rights Division is composed of 4 employees (all of them are lawyers) who regularly visit and inspect places of detention and supervise implementation of recommendations submitted after visits. Occasionally, the Ombudsmen also take part in preventive visits, and they are responsible for controlling the activities of the Human Rights Division.

62. In the course of performance of the national programme for the prevention of torture in 2015, the Seimas Ombudsmen carried out questionnaire-based inspections, thematic inspections and follow-up inspections. The majority of inspections conducted during the reference year were questionnaire-based inspections (30). Out of that number, 19 questionnaire-based inspections were carried out in care institutions for adults, 5 in police custody facilities and/or premises of temporary detention, and 6 in frontier stations. 8 thematic inspections were also performed: 3 in imprisonment institutions (regarding ensuring the rights of vulnerable groups), 4 in child care institutions (on matters related to the staff, security, prevention of inappropriate behaviour, social skills, supply and leisure),

and one in the Foreigners' Registration Centre (in response to the information that had appeared in the media). In addition, 6 follow-up inspections were carried out: one in an imprisonment institution, 3 in care institutions for adults, and 2 in police custody facilities and/or premises of temporary detention.

63. In 2015, the Seimas Ombudsmen carried out inspections in 44 places of detention: 22 care institutions for adults, 7 police institutions of detention and accommodation of foreigners, 7 custody facilities and premises of temporary detention, 4 child care institutions and 4 imprisonment institutions. 189 recommendations were provided, out of that number, 64 recommendations were provided to care institutions, 14 to institutions of detention and accommodation of foreigners, 30 to police custody facilities and premises of temporary detention, 24 to child care institutions, and 57 to imprisonment institutions. The majority of recommendations were implemented (fully or partially) or the Seimas Ombudsmen were provided with plans regarding their implementation in the future.

Answer to question 14

64. Article 29 of the Statute of Service at the Prison Department under the Ministry of Justice of the Republic of Lithuania sets forth disciplinary penalties. The most severe cases of misconduct of office would be qualified according to Article 228 of the CC (Abuse of Office) and Article 229 of the CC (Failure to Perform Official Duties).

65. Furthermore, if any elements of criminal acts are identified in the actions of employees of a correction facility or remand prison, they may be prosecuted according to other articles of the CC, for example, the CC provides for liability for unlawful deprivation of liberty (Article 146), unauthorised disclosure or use of information about a person's private life (Article 168), hindering the activities of a judge, prosecutor, pre-trial investigation officer, lawyer or bailiff (Article 231) etc.

Answer to question 15

66. On 29 November 2016, a one-day international conference "Application of Convention on Enforced Disappearance" was organised in Lithuania, to which representatives from different institutions, non-governmental organisations (the Seimas, the Ministry of Justice, the Prison Department under the Ministry of Justice of the Republic of Lithuania, the Ministry of National Defence, the Ministry of Foreign Affairs, the Ministry of Social Security and Labour, the Ministry of Health, the Lithuanian Armed Forces, the State Security Department, the National Courts Administration, courts, the Lithuanian Criminal Police Bureau, the Missing People Family Support Centre, prosecutor's offices) were invited and took part. A key presentation "International Convention for the Protection of All Persons from Enforced Disappearance and Activities of the Committee on Enforced Disappearances" was delivered by Matias Pellado, a member of the Secretariat of the Committee on Enforced Disappearances, i.e. the Human Rights Treaty Body of the Office of the United Nations High Commissioner for Human Rights. Presentations were also delivered by Dr. Justinas Žilinskas, Professor, Doctor of Social Sciences holding the Professor position at the Institute of International and European Union Law of Mykolas Romeris University ("Enforced Disappearance in the Law of the Republic of Lithuania: Appeared and Disappeared"); Dr. Andrius Nevera, attorney-at-law, Doctor of Social Sciences, Associate Professor of the Faculty of Law at Mykolas Romeris University ("Principle of Universal Jurisdiction: Valid Applicable Standards and Prospects"); Dr. Danutė Jočienė, judge of the Constitutional Court, Associate Professor of the Institute of International and European Union Law of Mykolas Romeris University ("Case-Law of the European Court of Human Rights in the Cases Concerning Disappearance and "Secret Detentions" of Persons. Case *Vasiliauskas vs. Lithuania*"); Gabriele Vaitkevičiūtė, project manager of the Missing People Family Support Centre ("Enforced Disappearance of Persons: Problems of Cases, Assistance to the Victims and Their Relatives"); Tomas Krušna, Chief Prosecutor of the Criminal Prosecution Department of the Prosecutor General's Office of the Republic of Lithuania ("Practical Possibilities of International Legal Cooperation in the Cases of Indicated Category").

V. Measures to provide reparation and to protect children against enforced disappearance (arts. 24-25)

Answer to question 16

67. In the context of the international obligations set forth in Article 24 of the Convention, it is important to note that, following the provisions of Article 28 of the CCP, which came into force on 1 March 2016, not only a natural person to whom the criminal act has caused physical, property or moral damage, but also a family member or close relative of the person who has died as a result of the crime and who has suffered physical, property or non-property damage as a result of death of such person shall be recognised as a victim.

68. As pointed out in Paragraph 118 of the Report of the Republic of Lithuania, the Republic of Lithuania Law on Compensation for Damage Caused by Violent Crime, *inter alia*, provides for the compensation in advance for material and/or non-material damage caused by violent crimes, i.e. compensation for material and/or non-material damage caused by violent crimes from the special Crime Victims' Fund programme where no court decision on the compensation for damage from the person who committed violent crime or the person liable for his/her acts has been made. Thus, following the provisions of the afore-mentioned law, the victims shall be entitled to compensation for the caused damage in advance notwithstanding the fact that no court judgement on award of damage caused by violent crime has been delivered. Article 8 of the afore-mentioned law provides for the terms and conditions of compensation for the damage caused by violent crimes in advance. The following persons shall be entitled to compensation of material and/or non-material damage caused by violent crimes in advance in accordance with the procedure prescribed by the law: the persons who have suffered as a result of committed violent crimes, spouses, children, adoptive children, parents, adoptive parents and dependents of the victims who have died as a result of violent crimes. The damage caused to the afore-mentioned persons by violent crimes shall be compensated in advance if all the following conditions are fulfilled:

(a) criminal proceedings concerning a violent crime are pending and a person is recognised as a civil plaintiff or it is determined by an effective court judgement that a violent crime was committed, but no action for compensation for the damage caused by the violent crime was brought or the action was left unexamined or the circumstance provided for in subparagraph 3, 4 or 7 of Paragraph 1 of Article 3 of the CPC (i.e. where criminal proceedings cannot be initiated or the initiated criminal proceedings must be terminated by reason that at the moment of commission of the criminal act the person was not of the age that he/she could be held liable according to the criminal laws or the person is dead) is established;

(b) the violent crime was committed in the territory of the Republic of Lithuania or in a vessel or aircraft with a flag or distinguishing signs of the Republic of Lithuania;

(c) the person liable for the damage has failed to voluntarily compensate for material damage or the total amount of the indemnified, compensated and recovered damage is lower than the maximum amount of compensated damage set in Article 7 of this Law.

69. Applications for compensation of the damage caused by violent crimes in advance shall be examined and decisions on compensation of the damage caused by violent actions shall be taken by the Ministry of Justice or the institutions authorised thereby.

70. Only the following material damage caused by violent crimes shall be compensated in advance:

(a) costs related to rehabilitation of health (medical treatment costs, expenses incurred for additional nourishment, costs of purchase of medication, costs of prosthetics, costs of care of the injured person, acquisition of specialised transport means, injured person retraining costs and other expenses necessary for the rehabilitation of health);

(b) losses of income which would have been received by the victim if his/her health would not have been impaired;

(c) funeral costs not exceeding 12 minimum standards of living (MSLs) (currently, the amount of 1 MSL is equal to EUR 38) if a person has died as a result of the violent crime;

(d) losses of income which was received by the dependants or to which the dependants were entitled when the deceased person was alive if the person died as a result of the violent crime.

71. A compensation for material damage paid in advance cannot exceed half of the amounts provided for in Paragraph 2 of Article 7 of this Law. If criminal proceedings concerning the violent crime last longer than 3 years and a person is recognised as a civil plaintiff, or an effective court judgement determines that a violent crime was committed, but no action for compensation for the damage caused by the violent crime was brought or the action was left unexamined, if the person responsible for the damage has died or the damage caused by the violent crime cannot be awarded for important reasons, a compensation for material damage not exceeding the amounts set out in Paragraph 2 of Article 7 of this Law (The amounts of compensations for the property damage provided for in Paragraph 2 of Article 7 of the Republic of Lithuania Law on Compensation for Damage Caused by Violent Crimes shall be as follows: 1) 100 MSLs if a person died as a result of the violent crime; 2) 80 MSLs if the person's health was severely impaired as a result of the violent crime or damage to a minor was caused by a violent crime other than the one provided for in subparagraph 1 of this Paragraph; 3) 60 MSLs if another violent crime was committed) shall be paid.

72. The amount of material damage shall be determined on the basis of the documents supporting the amount of the material damage.

73. The advance payment of compensation for the non-material damage caused shall be equal to a half of the amounts set out in Paragraph 3 of Article 7 of this Law (The amounts of compensations for the property damage provided for in Paragraph 3 of Article 7 of the Republic of Lithuania Law on Compensation for Damage Caused by Violent Crimes shall be as follows: 1) 120 MSLs if a person died as a result of the violent crime; 2) 100 MSLs if the person's health was severely impaired as a result of the violent crime or damage to a minor was caused by a violent crime other than the one provided for in subparagraph 1 of this Paragraph; 3) 80 MSLs if another violent crime was committed).

74. If a person died as a result of a violent crime and more than one of the persons referred to in subparagraph 2 of Paragraph 1 of Article 8 of this Law (spouses, children, adoptive children, parents, adoptive parents and dependents of the victims who have died as a result of violent crimes) has the right to a compensation of damage caused by the crime, a compensation for non-material damage shall be equally divided among all persons entitled to compensation of damage in advance.

75. The legal acts of the Republic of Lithuania do not provide for the forms of compensation of damage other than the ones specified in Paragraphs 116-120 of the Report of the Republic of Lithuania.

Answer to question 17

76. (a) Recognition of a natural person to be a person whose whereabouts are not known or who is dead would not have any impact on the duty of the state to carry out (continue) an investigation (pre-trial investigation) into a crime of enforced disappearance until the fate of the disappeared person has been clarified. As it has already been mentioned, the crimes of enforced disappearance are not subject to the statute of limitations for the passing of a judgment of conviction; therefore, the investigation into such criminal act is not bound by the afore-mentioned statutes of limitations. However, such pre-trial investigation is subject to the common procedure for conducting (completion) or pre-trial investigations provided for in the CCP (for example, Articles 3, 3^1, 3^2, 212, 217 of the CCP).

(b) Under Paragraph 1 of Article 2.28 of the Civil Code (hereinafter referred to as the "CVC"), where there is no information about a person's whereabouts in his/her domicile for the period of one year, the court may recognise the person to be an absentee.

According to the afore-mentioned provision, information about a person's whereabouts should be missing for one year or longer; the law does not provide for a shorter term upon expiry of which a person could be recognised as an absentee. Paragraph 2 of Article 2.28 of the CVC sets forth that where there is no possibility to establish the day when the last data about an absentee has been received, the first of January of the following year shall be deemed to be the beginning of person's absence. Thus, in such cases, a term of one year shall run as of the first of January of the following year.

(c) Following subparagraphs 6 and 7 of Paragraph 1 of Article 2.147 of the CVC, a power of attorney shall expire upon recognition of absence of a person who vested with the power of attorney or person who was vested with the power of attorney. Furthermore, a contract of mandate shall be terminated as a consequence of one of the parties is being acknowledged missing (subparagraph 7 of Paragraph 1 of Article 6.763 of the CVC). Subparagraph 3 of Paragraph 1 of Article 3.55 of the CVC provides for that a marriage may be dissolved on the application of one of the spouses filed where the applicant resides, i.e. in accordance with a simpler procedure if one of the spouses has been declared missing by the court. Joint co-ownership rights of the spouses shall end on presumption of declaration of one of the spouses as missing (Paragraph 2 of Article 3.100 of the CVC). Following Paragraph 2 of Article 3.257 of the CVC, a child shall be placed under permanent guardianship (curatorship) when both parents of the child or his/her single parent have been declared missing by a court judgement. The CVC provides for expiry of certain contracts as a consequence of acknowledgement of one of the parties to be missing. A contract of commission shall terminate as a consequence of acknowledgement of the commission agent (one of the parties to the contract of commission) to be missing (subparagraph 3 of Paragraph 1 of Article 6.792 of the CVC). The property trust agreement shall expire when the trustee is recognised as missing (subparagraph 3 of Paragraph 1 of Article 6.967 of the CVC). The agreement on joint activities shall expire when one of the partners is recognised as untraceable, except for the cases when the agreement on joint activities is valid without the afore-mentioned partner (subparagraph 1 of Paragraph 1 of Article 6.978 of the CVC).

(d) Article 2.28 of the CVC or other provisions do not set forth the maximum term within which the person may be recognised as missing.

Answer to question 18

77. Anonymous abandonment of a child and interinstitutional cooperation in case of anonymous abandonment of a child are defined in Order No. A1-286 of the Minister of Social Security and Labour of the Republic of Lithuania of 17 June 2011 "On the Approval of the Recommendations for Interinstitutional Cooperation in Case of Finding a Child in a Healthcare Institution or an Institution with a 'Window of Life'" (hereinafter referred to as the "Recommendations I"). The Recommendations I shall be intended for helping the employees of the child rights protection division of municipality administration, offices, services, healthcare institutions and institutions with a "Window of Life", officers of local police institutions to coordinate actions with a view to ensuring the rights and legitimate interests of a child found in an institution. The term "Window of Life" used in the Recommendations I shall be understood as a securely equipped place in which a new-born child may be left with a view to exercising the inalienable right to life of the child established under the United Nations Convention on the Rights of the Child and other legal acts. Part 2 of the Recommendations I provides for the actions of the respective institutions in case of finding a child whose parents are not known, and Part 3 sets forth actions in the event of finding of a child whose origin may be determined. Thus, in some cases, children whose parents cannot be identified may be left anonymously; in other cases, data on the mother, the health status of the child and year of birth of the child may be left with the new-born child found in a "Window of Life". In 2009, the first "Window of Life" was established in Lithuania with a view to preserving the child's right to life in accordance with the United Nations Convention on the Rights of the Child and taking into account the increased number of cases of murders of new-born children during the respective period. Currently, a total of 10 "Windows of Life" operate in Lithuania, i.e. two "Windows of Life" in Kaunas (Kaunas Pranas Mažylis Maternity Hospital and Kaunas Christian Maternity Hospital), one "Window of Life" in Vilnius, i.e. Vilnius Home of Infants with Developmental Delays, one in Klaipeda University Hospital, one at Panevežys Algimantas

Bandza Infant and Child Care Home, one in Šiauliai Woman and Child Clinic, one in Marijampolė City Hospital, one at Alytus Home of Infants with Development Delays, one at the Public Establishment Taurage Hospital and one at the Public Establishment Jonava Hospital.

78. During the period of 2014-2016, 21 new-born children were found in the "Window of Life", including 19 children who were adopted and 2 children whose return to their biological family is sought.

79. Children found in the "Window of Life" who cannot be identified is a sensitive issue in social terms. On the one hand, while assessing the existing situation in Lithuania in terms of infringements of child rights, an objective to preserve a child's right to life is set. It should be noted that if there was no possibility to leave children in the "Windows of Life", the life of such children would be at risk. Generally, mothers choose "Windows of Life" in cases where it is difficult for them to decide whether to raise a child or not.

80. Anonymous childbearing has not been legalized in Lithuania; nevertheless, in pursuance of reducing the number of infanticides and saving the child's life, the mother is enabled to leave an infant anonymously in a safe place; thus, it has been decided to establish the "Window of Life". It is understood that withdrawal of the measure "Window of Life" is not appropriate at present, since it protects infants from physical violence; however, it is to be noted that relevance of the alternative of "anonymous childbearing" should also be considered. It is important to note that in 2016, while implementing measures provided for in the Action Plan for the Transition from Institutional Care to Family and Community-Based Services for the Children with disabilities and Children Left Without Parental Care for 2014-2020 approved by Order No A1-83 of the Minister of Social Security and Labour of the Republic of Lithuania of 14 February 2014, municipalities started to provide integrated assistance to pregnant women and families of single women with children of up to 3 year old, in particular, to the ones before they become adult with a view to preventing abandonment and/or murders of children.

Answer to question 19

81. Following Paragraph 1 of Article 366 of the Code of Civil Procedure (hereinafter referred to as the "CCVP"), proceedings may be re-opened on the following grounds: 1) where the European Court of Human Rights acknowledges that judgements, rulings or decisions of the courts of the Republic of Lithuania in civil cases are in conflict with the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or additional protocols thereto to which the Republic of Lithuania is a party; 2) new essential circumstances of the case which were not and could not be known to the applicant during the case hearing become evident; 3) explanations of a party or a third party, testimony of a witness known to be false, an expert's conclusion known to be false, translation known to be incorrect, forgery of documents or exhibits due to which the delivered judgement is unlawful or unreasonable are established by an effective court judgement; 4) criminal acts committed by the parties to the proceedings or other persons or judges in the course of hearing the case are determined by an effective court judgement; 5) a court decision, judgement of the court or another individual act of state or municipal institutions which constituted grounds for delivery of such judgement, ruling or decision is overruled as unlawful or ungrounded; 6) if one of the parties to the proceedings was legally incapacitated in a certain area and was not represented during the proceedings according to the law; 7) if the court has decided on the substantive rights or duties of the persons not included in hearing of the case by a decision; 8) if the case was heard by a court of unlawful composition; 9) if a manifest mistake of application of the legal rule is made in the judgement (ruling, order or decision) of the court of first instance where such mistake could influence delivery of an unlawful judgement (ruling, order or decision) and the judgement (ruling, order or decision) was not reviewed under appellate procedure. The Prosecutor General of the Republic of Lithuania shall be entitled to submit applications for re-opening of proceedings on the grounds provided for in this Paragraph in relation to the judgements (rulings) of the court of first instance and the court of appeal. Following Paragraphs 2 and 3 of Article 366 of the CCVP, in the cases set out in subparagraphs 6 and 8 of Paragraph 1 of this Article, proceedings shall not be re-opened if the person who has submitted the

application on the afore-mentioned grounds could refer to the appeal or appeal of cassation. An application for re-opening of proceedings is impossible for effective court judgements on declaration of marriage null and void or dissolution of marriage if after the effective date of the decision at least one of the parties entered into a new marriage or registered a partnership including the cases of bankruptcy proceedings.

82. It is to be noted that on 1 July 2017 the new version of subparagraph 1 of Paragraph 1 of Article 366 of the CCVP will come into force and the case of re-opening of proceedings described in this Paragraph will be worded in a broader manner, i.e. the above Paragraph will provide for that proceedings may be re-opened where the European Court of Human Rights acknowledges that judgements, rulings or decisions of the courts of the Republic of Lithuania in civil cases are in conflict with the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or additional protocols thereto to which the Republic of Lithuania is a party or where the European Court of Human Rights remove an examined petition from the list of cases on the grounds of settlement agreement or unilateral declaration if the settlement agreement or unilateral declaration acknowledges that any rights of the applicants in relation to the judgements, ruling or decisions of the courts of the Republic of Lithuania in civil cases set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or additional protocols thereto to which the Republic of Lithuania is a party have been infringed by the judgements, rulings or decisions of the courts of the Republic of Lithuania.